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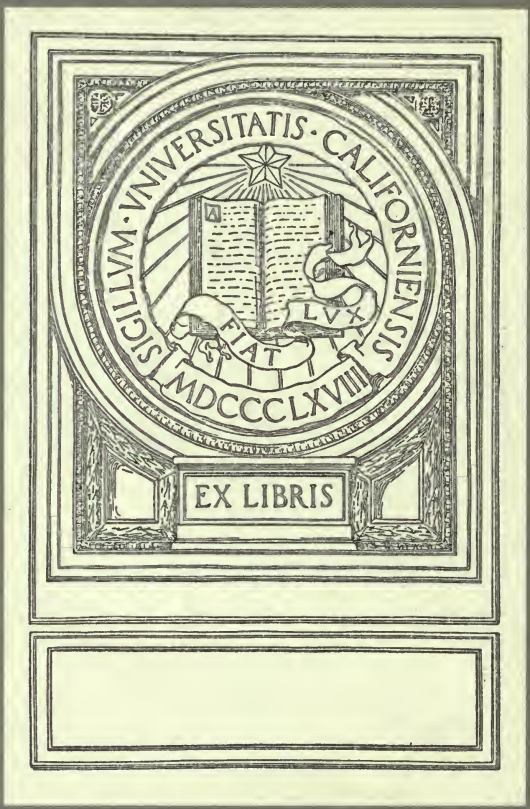
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IV. UNFORTIFIED FRONTIERS

The historical notes printed elsewhere show that the borders of the United States and those of Argentina and Chile are disarmed. It may be mentioned in passing that boundaries are unfortified throughout the American hemisphere. The American nations grew up in such an atmosphere that it seemed natural to them not to build border forts.

Elsewhere there are at least four noteworthy instances of unfortified boundaries resulting from specific treaty provisions.

Anglo-Chinese Engagement

The convention of March 1, 1894, between Great Britain and China, relative to Burma and Tibet, establishes boundaries and provides in Art. 7 that after demarkation and occupation within the new boundaries the following provision shall apply:

> The High Contracting Parties further engage neither to construct nor to maintain within 10 English miles from the nearest point of the common frontier, measured in a straight line and horizontal projection, any fortifications or permanent camps, beyond such posts as are necessary for preserving peace and good order in the frontier districts.[1]

Provision Respecting Mekong

A three-cornered engagement to keep a specific region free of armed forces exists in the Far East. On January 15, 1896, France and Great Britain signed a declaration with regard to the Kingdom of Siam, which has the effect of putting the following obligation upon all three:

> I. The Governments of Great Britain and France engage to one another that neither of them will, without the consent of the other, in any case, or under any pretext, advance their armed forces into the region which is comprised in the basins of the Petcha Bouri, Meiklong, Menam and Bang Pa Kong (Petriou) Rivers and their respective tributaries, together with the extent of coast from Muong Bang Tapan to Muong Pase, the basins of the rivers on which those two places are situated, and the

[1] MacMurray, Treaties and Agreements with and concerning China, I, 5.

basins of the other rivers, the estuaries of which are included in that coast; and including also the territory lying to the north of the basin of the Menam, and situated between the Anglo-Siamese frontier, the Mekong River, and the eastern watershed of the Me Ing. They further engage not to acquire within this region any special privilege or advantage which shall not be enjoyed in common by, or equally open to, Great Britain and France and their nationals and dependents. . . .[1]

Neutral Scandinavian Zone

One of the treaties of October 26, 1905, dissolving the union between Sweden and Norway provides:

Article 1. In order to insure peaceful relations between the two states there shall be established, from both sides of the common frontier, a territory ("neutral zone") which shall enjoy advantages of a perpetual neutrality. . . .

The neutrality of the said zone shall be complete. It shall therefore be prohibited to each of the two states to conduct in this zone operations of war, to make use of it as a point of support or base of operations of this kind and to station there or concentrate military armed forces, except those which might be necessary for the maintenance of public order or to bring aid in case of disaster. . . .

There may not be kept in the neutral zone and there may not be established in the future either fortifications or war ports or depots of provisions intended for the army or the fleet.

However, these provisions shall not be applicable in case the two states should lend each other assistance in a war against a common enemy. If either of the two states finds itself at war with a third power, neither the party which is at war nor the other shall enter the part of the zone which belongs to each of them, further than is necessary to make the neutrality of the zone respected.[2]

Aaland Islands Neutralized

The Aaland Islands, which have recently been assigned to the Republic of Finland by a decision of the League of Nations, are without fortifications. This is due at present to a convention signed at Geneva, October 20, 1921, by the representatives of Germany, Denmark, Esthonia, Finland, France, the British Empire, Italy, Latvia, Poland and Sweden.

[1]MacMurray, *op. cit.*, 54.

[2]Translated from American Journal of International Law, Supplement, I, 171–172.

The Aaland Islands originally belonged to Sweden, but were acquired by Russia in 1809 and for the next half century were regarded as having a great strategic value. Extensive fortifications were begun and were completed previous to the Crimean War, during which they were knocked to pieces by the British fleet. By a convention concluded at Paris on March 30, 1856, and recognized as a part of the general treaty of peace of the same day between Austria, France, Great Britain, Prussia, Russia, Sardinia and the Ottoman Empire, it was agreed that

His Majesty the Emperor of all the Russias, in compliance with the desire expressed to him by their Majesties the Queen of the United Kingdom of Great Britain and Ireland and the Emperor of the French, hereby declares that the Aaland Islands shall not be fortified, and that no military or naval base shall be maintained or created there.[1]

Fortifications were constructed on the islands during the World War. The question of the continued validity of the treaty of 1856 was referred by the Council of the League of Nations to an international committee of jurists, which on September 5, 1920, came to the following conclusions:

(1) The provisions of the convention and treaty of peace of March 30, 1856, concerning the demilitarization of the Aaland Islands, are still in force.

(2) These provisions were laid down in European interests. They constituted a special international status, relating to military considerations, for the Aaland Islands. It follows that until these provisions are duly replaced by others every state interested has the right to insist upon compliance with them. It also follows that any state in possession of the islands must conform to the obligations, binding upon it, arising out of the system of demilitarization established by these provisions.[2]

The Council of the League of Nations on June 24, 1921, passed a resolution containing the following decisions:

1. The sovereignty of the Aaland Islands is recognized to belong to Finland;

2. Nevertheless, the interests of the world, the future of cordial relations between Finland and Sweden, the prosperity and happiness of the islands themselves, can not be insured unless (*a*) certain further guaranties

[1]For history up to the Paris Peace Conference, see "The Aaland Islands," No. 48 of the Handbooks prepared under the direction of the Historical Section of the Foreign Office (Vol. VIII of bound edition).

[2]League of Nations Official Journal, Special Supplement No. 3, 19.

are given for the protection of the islanders; and unless (*b*) arrangements are concluded for the nonfortification and neutralization of the archipelago.

5. An international agreement in respect of the nonfortification and the neutralization of the archipelago should guarantee to the Swedish people and to all the countries concerned that the Aaland Islands will never become a source of danger from the military point of view. With this object, the convention of 1856 should be replaced by a broader agreement, placed under the guaranty of all the powers concerned, including Sweden. The Council is of opinion that this agreement should conform in its main lines with the Swedish draft convention for the neutralization of the islands. The Council instructs the Secretary-General to ask the Governments concerned to appoint duly accredited representatives to discuss and conclude the proposed treaty.

The treaty thus provided for makes the following arrangements between Germany, Denmark, Esthonia, Finland, France, the British Empire, Italy, Latvia, Poland and Sweden:

Article 3. No establishment or base of military or naval operations, no establishment or base of operations of military aeronautics nor any other installation used for war purposes shall be maintained or created in the zone described in Art. 2.

Art. 4. Under reserve of the provisions of Art. 7, no military, naval or aerial force of any power shall penetrate into or remain in the zone described in Art. 2; the manufacture, importation, transit and re-exportation of arms as war material are formally forbidden there.

The following provisions shall likewise be applied in time of peace:

a. Beyond the personnel of the regular police necessary for the maintenance of order and of public security in the zone, in conformity with the general provisions in force in the Finnish Republic, Finland may, if exceptional circumstances so demand, introduce and maintain there temporarily such other armed forces as shall be strictly necessary for the maintenance of order.

b. Finland also reserves to herself the right to have the islands visited from time to time by one or two of its light surface warships, which in that case may anchor temporarily in their waters. In addition to these ships, Finland may, if particularly important circumstances so demand, introduce into the waters of the zone and maintain there temporarily other surface ships in no case exceeding the total displacement of 6,000 tons.

The privilege of entering the archipelago and of anchoring there temporarily may be granted by the Finnish Government to one warship only of any other power.

c. Finland may cause her military or naval aircraft to fly over the zone, but their landing is forbidden there except in the case of *force majeure.*

Art. 5. The prohibition of entering or stationing warships in the zone described in Art. 2 is not exclusive of the freedom of inoffensive passage through the territorial waters, a passage which remains subject to the international rules and usages in force

Art. 6. In time of war the zone described in Art. 2 will be considered as a neutral zone, and shall not directly or indirectly be the object of any use whatsoever related to military operations.

Nevertheless, in the case where a war should affect the Baltic Sea, it shall be permissible for Finland, with a view to assuring respect for the neutrality of the zone, to place mines temporarily in its waters and to this end to take the measures of a maritime character strictly necessary.

Finland shall immediately give notice thereof to the Council of the League of Nations.

Art. 7. I. With a view to giving efficacy to the guaranty contemplated in the preamble of the present convention, the high contracting parties shall address themselves, either separately or jointly, to the Council of the League of Nations in order that it may determine the measures to be taken either to assure the maintenance of the provisions of this convention or to repress violation of it.

The high contracting parties engage to contribute to the measures which the Council of the League of Nations shall decide for this purpose.

When, for the purposes of this engagement, the Council shall have to determine the conditions indicated above, it shall summon to sit with it the powers which are parties to the present convention, whether Members of the League or not. The vote of the representative of the power alleged to have violated the provisions of this convention shall not count in calculating the unanimity required for the decision of the Council.

If unanimity can not be obtained, each of the high contracting parties shall be authorized to take the measures which the Council shall have recommended by a majority of two-thirds, the vote of the representative of the power alleged to have violated the provisions of this convention not counting in the calculation.

II. In case the neutrality of the zone should be imperiled by a *coup de main*, suddenly begun either against the Aaland Islands or through them against continental Finnish territory, Finland shall take the necessary measures in the zone to contain and repulse the aggressor up to the time when the high contracting parties, in conformity with the provisions of the present convention, shall be in a position to intervene to make the neutrality respected. Finland shall give notice thereof immediately to the Council.

Art. 8. The provisions of the present convention shall remain in force whatever modifications may be brought about in the present status quo in the Baltic Sea.

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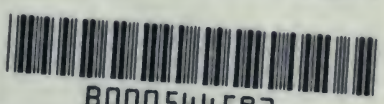

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